(3)

BEFORE THE M.P. STATE ADMINISTRATIVE TRIBUNAL BENCH RAIPUR

WP(S) 3294/01

O.A. NO._____/2001

APPLICANT : T.R. DEWANGAN,
S/O Late Ram Prasad Dewangan,
age 50 years,
Revenue Inspector,
R/O Before R.D.A. Colony,
Tikrapara, Raipur

VERSUS

NON-APPLICANT :

1. State of Chhattisgarh
through the Secretary
Revenue Department,
D.K.S. Bhawan, Raipur

2. The Collector,
Land Records,
Raipur (C.G.)

3 Lilaram Sahu,
Revenue Inspector,
Raipur - Distt. Raipur

ORIGINAL APPLICATION UNDER SECTION 19 OF THE M.P. STATE ADMINISTRATIVE TRIBUNAL ACT, 1985

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HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3794 of 2005

Petitioner T. R. Dewangan

Versus

Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri A. K. Sharma, Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Revenue Inspector at Raipur was transferred to Rajim, on the same terms and conditions vide impugned order dated 10.8.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 18.9.2001 directed to keep in abeyance the impugned transfer order, till the next date. By virtue of the interim order the petitioner is working at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur